

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

THERESA MARGARET  
MACDONALD,

Plaintiff,

v.

STATE OF ALASKA, *et al.*,

Defendants.

Case No. 3:23-cv-00208-SLG-KFR

**ORDER DISMISSING ACTION**

Before the Court are numerous documents filed by *pro se* Plaintiff MacDonald, including a Third Amended Complaint.<sup>1</sup> The matter was referred to the Honorable Magistrate Judge Kyle F. Reardon. At Docket 19, Judge Reardon issued his Report and Recommendation, in which he recommended that the Third Amended Complaint be dismissed without leave to amend; that Plaintiff's federal claims be dismissed with prejudice; and that Plaintiff's state law claims be dismissed without prejudice. Plaintiff MacDonald responded by filing a Notice to the Court at Docket 21.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in

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<sup>1</sup> The Court adopts the Magistrate Judge's decision to treat four of Ms. MacDonald's filings as collectively making up Plaintiff's Third Amended Complaint. See Docket 19 at 3-4, n.21.

part, the findings or recommendations made by the magistrate judge.”<sup>2</sup> A court is to “make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.”<sup>3</sup> However, § 636(b)(1) does not “require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”<sup>4</sup>

The Magistrate Judge recommended that the Third Amended Complaint be dismissed without leave to amend; that the federal claims be dismissed with prejudice; and that the state law claims be dismissed without prejudice. The Court has reviewed de novo the filings in the record and the Report and Recommendation and agrees with the Report’s analysis. Accordingly, the Court adopts the Report and Recommendation in its entirety, and IT IS ORDERED that the Third Amended Complaint is DISMISSED without leave to amend. Plaintiff’s federal claims are dismissed **with prejudice**. Plaintiff’s state law claims are dismissed **without prejudice**. All remaining motions are denied as MOOT.

The Clerk of Court shall enter a Final Judgment accordingly.

DATED this 8th day of August 2024, at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> 28 U.S.C. § 636(b)(1).

<sup>3</sup> *Id.*

<sup>4</sup> *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).